

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL	)	MDL NO. 1456
INDUSTRY AVERAGE	)	
WHOLESALE PRICE LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
	)	
THIS DOCUMENT RELATES TO	)	Judge Patti B. Saris
<i>U.S. ex rel. Ven-A-Care of the</i>	)	
<i>Florida Keys, Inc. v. Abbott</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Laboratories, Inc.,</i>	)	

Original Case No. 07-CV-11618

**ASSENTED-TO MOTION BY VEN-A-CARE OF THE FLORIDA KEYS, INC.  
TO ENLARGE TIME TO RESPOND TO ABBOTT LABORATORIES, INC.'S  
MOTION TO DISMISS OR PARTIALLY DISMISS THE RELATORS' COMPLAINT**

Relator, Ven-A-Care of the Florida Keys, Inc. ("Ven-A-Care" or the "Relator") by and through its undersigned counsel files this its Assented to Motion by Ven-A-Care of the Florida Keys, Inc. to Enlarge Time to Respond to Abbott Laboratories, Inc.'s Motion to Dismiss or Partially Dismiss the Relator's Complaint and further states:

1. The Relator filed the above captioned action on August 30, 2007 [Docket 1].  
The Relator brought the action against Abbott Laboratories, Inc. ("Abbott") on behalf of the United States to recover treble damages and civil penalties under the False Claims Act ("FCA"), 31 U.S.C. 3729, et seq. The Complaint sets forth allegations that Abbott engaged in a fraudulent scheme by reporting false, fraudulent and inflated drug prices for certain drugs to several

price reporting compendia and that the Medicaid program relied upon those falsely inflated prices to set reimbursement rates causing the submission of false or fraudulent claims to the United States in violation of the FCA.

2. Abbott waived service of the summons and filed its 25 page Motion to Dismiss or Partially Dismiss the Relator's Complaint on October 30, 2007[Docket 4860]. Ven-A-Care's response is due November 13, 2007.
3. The Relator needs additional time to respond to Abbott's Motion to Dismiss due to previously scheduled matters in related cases in the MDL.
4. For the economy and convenience of the parties and the Court, the Relator requests that it have up to and including November 29, 2007 to respond to Abbott's Motion to Dismiss or Partially Dismiss Ven-A-Care's Complaint. Abbott has requested that it have up to and including December 20, 2007 to file its Reply to Ven-A-Care's Opposition. For the above reasons, Ven-A-Care requests additional time, requests that the Court adopt the requested briefing schedule and respectfully requests that this motion be granted.

DATED: November 13, 2007.

For the Relator,  
Ven-A-Care of the Florida Keys, Inc.

/s/Alison W. Simon  
James J. Breen  
Alison W. Simon  
The Breen Law Firm  
P. O. Box 297470  
Pembroke Pines, FL 33029-7470  
Phone: 954-874-1635  
Fax: 954-874-1739  
Email: [jbreen@breenlaw.com](mailto:jbreen@breenlaw.com)  
Email: [alisonsimon@breenlaw.com](mailto:alisonsimon@breenlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, November 13, 2007, caused an electronic copy of the above to be served on all counsel of record via electronic mail service by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/Alison W. Simon

Alison W. Simon